

The committee, to whom were referred the act of the legislature of Virginia, of the 2d of January, 1781, and the report thereon, report ... c. 2

THE committee, to whom were referred the act of the legislature of Virginia, of the 2d of January, 1781, and the report thereon, report, that they have considered the several matters referred to them, and observe, that the legislature of Virginia, by their act of 2d January, 1781, resolved that they would yield to the Congress of the United States, for the benefit of the said states, all right, title and claim which the said commonwealth hath to the lands north-west of the river Ohio, upon the following conditions, viz.

- I. That the territory so ceded should be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit; and that the states so formed should be distinct republican states, and admitted members of the federal union, having the same rights of sovereignty, freedom and independence as the other states.
2. That Virginia should be allowed and fully reimbursed by the United States, her actual expences in reducing the British posts at the [Kaskaskies?] and St. Vincents; the expence of maintaining garrisons and supporting civil government there, since the reduction of the said posts, and in general all the charge she has incurred on account of the country on the north west side of the Ohio river, since the commencement of the present war.
3. That the French and Canadian inhabitants, and other settlers of the [Kaskaskies?], St. Vincents and the neighbouring villages, who have professed themselves citizens of Virginia, should have their possessions and titles confirmed to them, and should be protected in the enjoyment of their rights and liberty; for which purpose troops should be stationed there at the charge of the United States, to protect them from the encroachments

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of the British forces at Detroit, or elsewhere, unless the events of the war should render it impracticable.

4. As colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised, if the enterprize succeeded, a liberal gratuity in lands in that country, for the officers and soldiers who first marched thither with him, that a quantity of land not exceeding one hundred and fifty thousand acres, should be allowed and granted to the said officers and soldiers, and the other officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth in such place, on the north-west side of the Ohio, as the majority of the officers should chuse; and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia.

5. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North-Carolina line bearing in further upon the Cumberland lands than was expected prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miamis, on the north-west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.

6. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, should be considered as a common fund for the use and benefit of such of the United American States as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

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7. And therefore that all purchases and deeds from any Indian or Indians, or from any Indian nation or nations, for any lands within any part of the said territory, which have been or should be made for the use or benefit of any private person or persons whatsoever, and royal grants within the ceded territory, inconsistent with the chartered rights, laws, and customs of Virginia, should be deemed and declared absolutely void and of no effect, in the same manner as if the said territory had still remained subject to, and part of the commonwealth of Virginia.

8. That all the remaining territory of Virginia included between the atlantic ocean and the south-east side of the river Ohio, and the Maryland, Pennsylvania and North-Carolina boundaries should be guaranteed to the commonwealth of Virginia by the said United States.

Whereupon your committee are of opinion, that the first condition is provided for by the act of Congress of the 10th of October, 1780.

That the second condition is substantially comprehended in the engagement made by Congress in the said act; and that one commissioner should be appointed by Congress, one by the state of Virginia, and another by those two commissioners, who, or a majority of whom, should be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expence incurred by the said state for the purpose mentioned in the said condition.

With respect to the 3d condition, the committee are of opinion, that the settlers therein described should have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

Your committee are further of opinion, that the 4,5, and 6th conditions being reasonable, should be agreed to by Congress; with respect to the 7th condition, your committee are of opinion, that it would be improper for Congress by a resolved to declare the purchases

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and grants therein mentioned absolutely void and of no effect; and that the 6th condition, engaging how the lands beyond the Ohio shall be disposed of, is sufficient on this point.

As to the last condition, your committee are of opinion, that Congress cannot agree to guarantee to the commonwealth of Virginia, the land described in the said condition without entering into a discussion of the right of the state of Virginia to the said land, and that by the acts of Congress it appears to have been their intention, which the committee cannot but approve, to avoid all discussion of the territorial rights of individual states, and only to require and accept a cession of their claims, whatsoever they might be to vacant territory. Your committee conceive this condition of a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land abovementioned is really the property of the state of Virginia, it is sufficiently secured by the confederation, and if it is not the property of that state, there is no reason or consideration for such guarantee.

Your committee, therefore, upon the whole recommend that if the legislature of Virginia will make a cession conformable to this report, Congress should accept such cession; and that a committee be appointed to repair to the state of Virginia, make the proper representation to its legislature, and endeavour to obtain what may be necessary on the part of the state for carrying the views of Congress into effect.

Report of Committee [of Congress] of Virg. dega. unassorted on cession of western territory of Va to the Union.